

THE 800^{7. de 92}

I D E A'S

OF THE K

Original Rights

OF

KINGS and GOVERNOURS,

Coolly Consider'd

On occasion of the different Notions
thereon, which have for the sake of different
Interests been zealously advanced in the
World, to the great Disturbance of Peace,
and the Disquietude of the Consciences of
many honest-meaning Persons.



L O N D O N,

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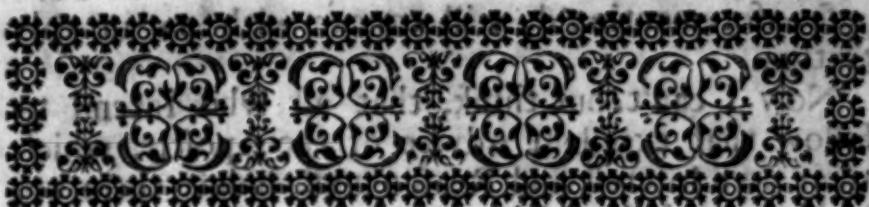
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TO
Advertisement.

THESE Papers were intended by the Author
to be printed in Half-Sheets, and to come
out the three Post-Days of the Week, (under the
Title only of the Occasional Courant) but that
being prevented by some Accident, the first Six,
which are all that are yet sent up, are here offered
to the World together.

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[Nº I.]

Occasional Courant.



T hath been the constant Practice in all Ages, for Men of Intrigue, whose Aim is to raise their Fortunes, or carry on the Interest of a Party, on the Success whereof they believe their own depends, and consequently must have it chiefly in view: I say, it hath been the constant Practice of such Men so to amuse the rest of the World, as to get as many of them as possibly they can, into such Notions as may tend to the Advancement of their own Designs; well knowing that without the assistance of Popularity, their Intrigues will in all probability prove abortive.

From this cause, I verily believe, most, if not all the Schisms and Factions which have troubled the Church, as well as the Riots and Rebellions which have infested the Peace of the World, have arisen. And I am of opinion, that all who will give them-

selves leave to think, and can abstract their Thoughts from that Party-Zeal, which hath been infused into them by the Persons and for the Purposes aforesumption'd, will concur with me in this Notion.

Now I can't but think, that all who intend to follow that excellent Advice of the Apostle, which their own Interest and Reason must induce them to, had it been deliver'd by any of the most vulgar Character; that is, to *follow things which make for Peace*, (at least for their own Peace) such, I can't but think, will be very willing on fair Evidence to shake off such Notions, which are imposed on them by those who hope to advance their own Interest by drawing others into perplexity; and by setting things in a false view, hope to raise a mistaken Zeal in the Vulgar, whereby to mount themselves to a Grandure they have conceived in their absurd and vain Imaginations.

To set some of those Notions in a true Light, which by designing Men, for the Reasons above-mention'd, have been notoriously misrepresented, to the great perplexity of many honest-meaning Persons, is the Occasion of this Paper: which I the rather chuse to deliver out in Half-sheets than to compile in a Book, because probably it may thereby be read by more, being done with less Expence of Time and Money, and serving likewise to fill up waiting Minutes at a Coffee-House; at least it may suit better with my Leisure.

And after I have review'd so many of these Notions, which have at several times, barely for the Reasons before-mention'd, been propagated in the World, and which shall occur to my Thoughts: I say, after I have gone through with all such as I shall think of, there may be many left for others to carry on the Work. For I take it that most of those

those very many different Notions, whereon Animosity is raised amongst Men, have been and are, as far as they tend to the raising that Animosity, propagated for the Reasons above-mention'd. For it is undoubtedly true, that in many Notions of things, which in their Nature and Consequence are much more essential, there is very great Difference, yet no such Animosity on occasion of that Difference: which I can't but attribute to this, *viz.*

That those Differences have not fallen under an Opportunity of designing Mens making their advantage, by stirring up zealous Animosity upon occasion of such Difference; therefore Mankind have remain'd to differ in their Notions of such things, which tho' much more essential, yet being no Party-Matter, Men are not angry with their Neighbours for thinking, or at least expressing their Thoughts, in a different manner from themselves.

I may in the Sequel of this Design set out an Account of some of these different Notions, whereon Mankind have not yet, or at least at present do not exert their Zeal and Strife, tho' the Matters in difference are far greater than those whereon they bestow it with their utmost Fury.

But I apprehend I am near the Extent of my first Half-sheet, which may serve for an Introduction: in my next I shall enter upon the Matters in difference, and begin with the different Notions of the Rights of Kings and Governours. And in that and the following shew the piteous Mistakes of those and their Abettors, who to their own visible Destruction, which must in its consequence have as inevitably attended their Success, as it did their Defeat; notwithstanding which they were hurried on by a manag'd Zeal, to adhere to an Interest which had no more Shew of Divine Right, if the Notions thereof are duly consider'd, than Hopes of Success from

Human

Human Probability ; and yet those Notions still perplex some honest People, who see them under the Colours these designing Men have laid on them. To take off which, and set the matter in a true Light, shall be the Argument of the following Papers.

[N^o II.

The Occasional Courant.

IN my former Paper I promised to consider the Notions of the Rights of Kings and Governours, as being one of those which hath (occasionally for the promoting different Interests) given much disturbance to the World.

And to set this in a clear Light, I think it most proper to consider all those Ideas of Original Right, by which any have, or can possibly claim that Office.

For as to the Right of Succession, that can only at most be esteem'd a derivative Right, from Father to Son.

And I hope I may be allow'd to affirm, that the Son can derive no more Right from his Father, than the Father had himself. This I think self-evident, tho' there may be Cases wherein the Son cannot be invested with all the Right the Father had. However, for our present purpose it is sufficient, that he cannot derive more; and consequently that no Son can be possess'd of greater Rights by virtue of his Succession, than the first Original Rights, which his first reigning Progenitor, or at least some of his Progenitors succeeding in such Reign, were possess'd of.

This

This I think to be a State that must be allow'd by all, as to the Right of Succession.

And as to the foolish Notion of Primogeniture, or the Patriarchal Scheme, that hath been sufficiently exposed: but I shall esteem that Notion (if rightly consider'd) as one of those, wherein Mens Interest doth not really differ, and therefore their Zeal for it is needless: For should that be admitted, it doth equally confound the Rights of all Pretenders to, as well as Possessors of Governments; it being equally impossible for either of them to make out by their Genealogy that they are the eldest Branch of the People they do or would govern: but in most cases within the View of undoubted History it will evidently appear, that neither the one nor the other can pretend to it.

So that to set up for the Right of Primogeniture, or the Patriarchal Scheme, is to set up for a Right that no body can find where to fix, no body can pretend to, no body doth or can adhere to; and consequently it can't be one of those Notions of Right that can disturb the World, and therefore I think not within my present purpose to consider.

However, some Persons being so hardy, as to advance any the greatest Absurdity, in hopes of getting some Proselytes, who may apply it, tho' never so absolutely unapplicable, to the Pretender they affect; have talk'd and wrote of this Notion, and may possibly thereby have stumbled some in their Notions of the Rights of their present Governours, whilst they have not had the Foresight to consider, that if there were any thing in this Notion of Patriarchal Right, it is equally against those whose Interest the Broachers of this Notion would set up, as it is to the Interest of those whom they would depose. Therefore I thought fit to say so much of this matter, that it might not be objected as

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an Original Right omitted by me in the Sequel of this Paper.

I shall therefore now lay down the only Ideas of the Original Rights of Kings and Governours, which I shall have but room just to mention in this Paper ; but in my succeeding ones shall apply them to our present Notions in debate.

Now I take all the Original Rights, by which Kings and Governours hold the Possession of their Governments, to be reducible to three Heads ; as the only Ideas which are or can be laid down, as the Fundamental and Original of their Rights. And those are, *viz.*

1st, *Jure Divino*, or by the Appointment of God Almighty ; and this no doubt is the supreme and best of Rights.

2^{dly}, By Compact or Agreement with the People on certain Terms and Conditions stipulated betwixt the Prince and People ; and this no doubt is the best of Human Rights.

3^{dly}, By Conquest, or subduing their Opposers or Competitors to the same Government, and governing the People by a superiour Force, which they are not able to withstand, or ~~will~~ patiently submit to.

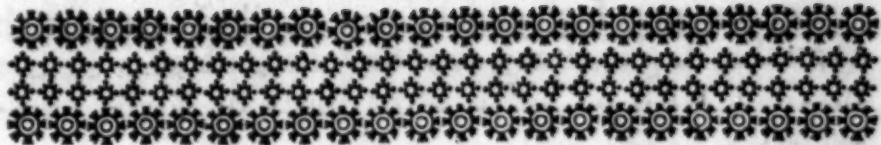
The Right of Primogeniture, or the Patriarchal Scheme, excepted, as before mention'd, I have not heard of any other Right by which Princes can originally claim the Government : nor can I frame any Idea of Right, which can be disputed for, but in its Original it must come under one of these three Heads. I shall therefore, till I am inform'd of an Idea of another Claim, take these to include the whole ; and in my next consider these three Claims, in respect to our different Notions of the Rights of

Princes : and I am of opinion that no other Idea of Right will be offer'd, which will be found to concur with solid and plain Reasoning.

And therefore if I can on these Foundations fully settle our present Constitution, I hope it will tend to the Satisfaction of those who have been misled by self-interested and designing Men, and confirm an entire Satisfaction with our present Establishment in the Hearts and Consciences of all honest *Britons*.

For whatever Interest it may be, at some Junc-
tures, to make Force and the Terror thereof a Sup-
port, yet it will be always found, that the Satis-
faction of the Consciences of the People, as to
Right, and their hearty Affections founded on the
Prospect of their own Happiness, are the best Se-
curity for any Prince, as well as for the Happiness
of the Nation, by most effectually promoting on solid
grounds the Peace and Quiet thereof.





[Nº III.

The Occasional Courant.

IN my last Paper I fix'd on three Heads, as including all the Original Ideas of the Rights of Princes and Governours, *viz.*

1. *Jure Divino*, or by God's Appointment.
2. Right of Compact.
3. Right of Conquest.

Now as I suppose that no human Creature can be invested with any Right, that doth not in its Original depend on one of these three Ideas of Right; so I shall lay down, and hope to prove it to the Satisfaction of all who will lay aside a Zeal managed for the Support of those, who have for their own Views taken such pains to manage it:

I say, I doubt not but to prove that a Prince fully invested with all these three Rights, and consequently the most Rightful and Lawful of Human Race that can fill a Throne, may, notwithstanding such his Right, cease and determine to be any ways Rightful or Lawful King; and the Nation he govern'd may rightfully and lawfully come into Measures of a Revolution, and set up another Prince: who himself, as well as his Successors on the foot of that

Revolution, may be invested with all the three Ideas of Right, tho the former Prince or his Heirs be subsisting.

For the proof of which, and to illustrate it with the fuller Light, I will suppose the Case of a Prince invested with all these three Ideas of Right effectually.

And were it true in every part of the Fact, that any Prince was so invested as hereafter mention'd, I apprehend the whole World would acquiesce in such a Prince's Title: yet that would not amount to an indelible Character, for Unchangeable is the incomunicable Attribute of the Supreme God only.

But to set this Case in a clear Light, we will suppose, that God Almighty by Voices from Heaven, confirm'd by Miracles wrote by his Prophets who affirm the same thing, should appoint a certain Person to be King of such or such a Nation, no doubt but he would have good reason to be allow'd *Jure Divino* King of that Nation.

But then suppose that this Nation should be so wicked and sceptical, as to refuse to submit to that King so divinely appointed, but would adhere to another Person they more affected.

Then suppose this *Jure Divino* King comes with an Army, and intirely defeats the affected King, and all his Adherents; he is thereby invested with the Right of Conquest.

After this, he offers his Subjects to govern them by such Laws as they in their Grand Council should concert, and to come into a Compact with them thereon; on which Compact the whole Kingdom consents and submits to his Jurisdiction: he is thereby intitled to the Right of Compact.

Now supposing a King thus qualified, I cannot conceive any Idea of Original Right wanting to him.

And

And yet all this cannot, as nothing can to a Creature, amount to an indelible Character. For,

1st, Suppose he breaks his Compact in the most substantial and essential parts thereof, then the Right which depended thereupon must necessarily cease.

2dly, Suppose he is by another driven out of his Kingdom (on occasion of his Breach of Compact) then his Right of Conquest must cease also.

3dly, Hereupon God Almighty suffers him to be kept out of his Government, and by a Train of his peculiar Providences supports the Person who drove him out, and he quietly reigns in his stead : on such Event his *Jure Divino* must cease, and his Expulsion and Abdication are by such Events of Providence as effectually *Jure Divino*, as his Appointment was by all the Solemnity that brought him in. For as God Almighty tells us by his Prophet *Daniel*, he removeth Kings, and setteth up Kings, Dan. 2. 21. it may and must be granted that God Almighty appoints the Powers that are : *The Powers which are, are ordained of God*, Rom. 13. 1. Which Words, according to the Latin Idiom, which occasionally we make free with in Discourse, might have as well been translated, A King *de Facto* is a King *Jure Divino*.

And had we not the Authority of Scripture in the case, yet I think it would be incongruous and derogatory to the Supreme Power of God, to say that a *Jure Divino* King was turned out of the Possession of his Kingdom, his *Jure Divino* still subsisting ; for that must suppose a Power which defeats God's Appointment. Which I would have those Divines consider, who have been so free in attributing the Phrase of *Jure Divino* to a Person having then no Jurisdiction.

To sum up this Argument, and finish this Paper ; I think, on the full state, it may be concluded, That

a King who breaks his Compact in the most substantial and essential parts thereof, is divested of that Right which depended on that Compact.

He who is defeated by and flies from his Opponent, is divested of all Pretences of Right of Conquest, and whom God, by a Train of Providences Supporting his Opponent, suffers to live and die without being restored in any wise to his Government; such Person can have no Pretence to the Continuation of a *Jure Divino*.

So that in such case he being divested of the three Original Ideas of Right, during his Life, I cannot conceive what Right it is possible for his Son to derive from him; and shall be of that opinion till I hear of another Idea of Right than the three before mention'd, or how any one of these Ideas of Right can subsist in the Case above stated.

I shall in my next consider how these three Ideas of Right may be transfer'd, and subsist in such other Person as shall succeed the Person so defeated of them.



[N° IV.]

The Occasional Courant.

IN my last I did (I think) effectually make out, that a Person invested with all the Ideas of Right to Government might be divested of all those Rights, and utterly defeated of all Pretences to his former Subjects Allegiance, or a possibility of deriving it to his Posterity. All which amounts to no more than to say, that all Persons and Things in this World are mutable, or that Unchangeable is the Attribute of the Supreme God only ; at which I hope no human Creature (at least no Christian) can take offence.

I am now to consider how the three Ideas of Right, which I have laid down as the only fundamental and original Rights, may be transfer'd from one Person to another. Now upon such Vacancy of the Throne as before supposed, no doubt but the People by their Representatives (God not visibly interposing by any extraordinary Methods :) I say, in such case the People may, no doubt, propose to some other Person to take upon him the Government, upon certain Stipulations premised ; or else on such Abdication must necessarily ensue a perfect Cessation of all Government.

And if such Person shall accept of such Proposition, he is thereby effectually invested with that Right

Right which depends on Compact ; which is one of the Original Ideas of Right.

2. If God in his Providence not only permits such Person to reign and remain in the Execution of the Supreme Power of that Nation, but also by some signal Events thereof he supports such his Reign ; he thereby gives all the Evidence of the *Jure Divino* of such Person so reigning, that can be expected without Miracles to confirm it. And since he hath declared by his Apostle, that the Powers (speaking of the Supreme Powers of Nations) which are, are ordain'd of God ; I think it would at least be Enthusiastical to expect Miracles to confirm such a *Jure Divino*, which stands confirm'd by the express Words of Scripture : At least it must be allow'd a much more visible and effectual *Jure Divino*, than can with any show be pleaded for the Powers which are not ; and when they were, had no more of Miracles, or any extraordinary Methods to prove that Divine Right, but their then being the Powers which were ; which if it then proved a Divine Right in them (as I think it did) it doth no doubt as effectually now prove a Divine Right in the present Powers which are. By which I think it may be fairly concluded, that our present Powers are fully invested with the true Idea of the Divine Right ; or at least, beyond all possibility of dispute, that they are as fully invested therewith, as any other former Powers ; which had no more of Miracles, or any extraordinary or supernatural Means, to evince that Divine Right to such former Powers, than our present Powers have : And so much more evidently are our present Powers invested with this Divine Right than the former, as the peculiar Events of Providence have appear'd in their favour more than in the favour of the Abdicated Powers.

Upon

Upon which Reasons, I think, no Man that will give himself leave to debate coolly (without the Prejudice of Party-managed Zeal) can think his Conscience obliged to adhere to those Measures, that must necessarily destroy all the most valuable Interests of himself and Posterity, both as to Spirituals and Temporals.

I say, I cannot think a Man's Conscience (who considers fairly these Reasons) can induce him to adhere to his own Ruin, upon a supposition that the Divine Right is on the Pretender's side, and that he is bound in Conscience to adhere to that.

And from hence I cannot but take notice of the great Absurdity of that Distinction which hath been so often talk'd of, *viz.* Between a King *de Facto* and a King *Jure Divino*: for of all the Kings since those of the Jews, and for most of them, the best and most solid Argument of their being *Jure Divino*, was their being Kings *de Facto*. And tho' some of the Jews had farther Evidence of their *Jure Divino*, by the Appointments of the Prophets by God's special Commission; yet when God is said to have rent the Kingdom from one so appointed, upon which he or his Posterity ceased to be Kings *de Facto*, I hope no body will be so absurd as to alledg that he or his Posterity still remain'd invested with their *Jure Divino*, notwithstanding God had rent the Kingdom from them.

The Consideration of the third Idea of Original Right, *viz.* that of Conquest, as it relates to our present Establishment, I shall consider in my next.



[N^o V.]

The Occasional Courant.

IN my last, I left for this Paper the Consideration of the third Idea of Original Right in Princes and Governours, *viz.* that of Conquest; which I am here to consider, so far as it relates to our present Establishment.

The Right of Conquest, if it is consider'd as to the People governed, by a Compact depending, is inconsistent with the Right of that Compact: because for a Prince who hath agreed with his Subjects to govern them by Laws establish'd, after that to pretend to a Conquest over them, is to establish one Right by dissolving another, and I think exchanging a better Right for a worse, the Right of Conquest subsisting only whilst the Power to support it subsists; for whenever a superiour Power shall conquer that Power whose Right subsists only in Conquest, he taketh away his Right with his Power. So that for a Prince to insist on his Right of Conquest against his People, is in effect to declare his Right can subsist no longer than whilst it is in the power of some other to divest him of it; which may possibly at some Juncture not be in his power to prevent: But whilst he adheres to his Right of Compact, it will be always in his power to support that Right, by always governing according to Law. So that I think the Con-

Consideration of the Right of Conquest, as to the People govern'd, hath no relation to our present Establishment.

But then there is another sort of Conquest to be consider'd; that is, when the Prince ruling by Divine and Compact-Right, as before mention'd, shall by the Concurrence and Assistance of the People, or the People by the Authority of the Prince, conquer and defeat those who shall attempt by Force of Arms to establish themselves over the People, by virtue of a Right of Conquest of both the Prince settled by Divine and Compact-Right, and of the People who faithfully adhere to such his Right: I say, when the Prince and People shall mutually make such a Conquest over such as shall attempt to disturb the Right of the Prince and People settled as before mention'd, that then by such Defeat a necessary Right of Conquest is mutually invested in such Prince and People, against such Pretenders as made such Attempt. And tho, by all that is here said, no Right of Conquest remains with the Prince against his faithful Subjects, yet doth it evidently remain a Right of Conquest with the Prince and the People, against any Pretenders or Attempters so conquer'd, and against all that did adhere to them in such Attempt.

To sum up these Arguments: I have laid down three Ideas of the Original Rights to Government, *viz.*

Jure Divino,

Right of Compact,

Right of Conquest:

Which, till I am inform'd of another Idea of Original Right to Government, I shall conclude to be all the Ideas of Right that can subsist in a Rational Mind unprejudiced with Party-Zeal.

And I apprehend, that by the Reign of the late King *James II.* (and the Revolution that happen'd thereon) being brought to the foregoing Arguments,

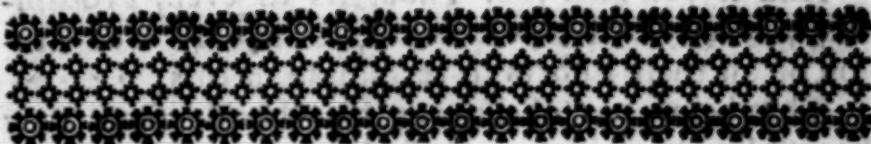
it will fully appear, That after his Abdication, and the Acceptance of King *William*, &c. at least after his Expulsion from *Ireland*, he was absolutely divested of, and consequently neither had nor could have any Pretence to any one of these Ideas of Original Right during his Life : and therefore it is absolutely impossible that he should derive any of them to his Posterity. And consequently the Title of our late Queen *Anne* must absolutely depend on the Compact settled by the Act of Settlement at the Revolution, whether there was or was not a Son born to King *James II.*

That King *WILLIAM*, and his Successors, our present Glorious King *GEORGE* and his Posterity, are fully invested with the Right of Compact (that best of human Rights) for which their Evidence is much superior to any of their Predecessors :

That as to the Divine Right, it is indisputably as fully in them as in any of the former Powers, and as fully as the express Words of Scripture can settle it ; and there can no farther Evidence be added thereto, (more than the peculiar Marks of Providence which have appear'd in favour of this Settlement) except Revelation confirm'd by Miracles : which should it please God to afford, I fear that they who will not in this matter believe the Apostle (nor observe the Operations of God's Providence) neither would they believe tho one arose from the Dead.

And as to the Right of Conquest, tho by our present Establishment there is no Claim thereto as to the People, yet King *WILLIAM* and his then Subjects had mutually good Claim thereto against King *James II.* and his Adherents.

As likewise his present Majesty King *GEORGE*, and his Faithful People, mutually have good and sufficient Claim to the Right of Conquest, against the Pretender and all his Adherents, by the utter Defeat given to them in their late Attempt to conquer these Nations.



[N^o VI:

The Occasional Courant.

I Have in my foregoing Papers consider'd the Ideas of Original Right in Princes and Governours, and I think so fully, as must satisfy all unprejudiced Minds of the Plenitude of Right wherewith our present Establishment is invested, as well as of the intire and utter Defeat of all Pretences to any Right in the Opposers thereof.

And now give me leave a little to expostulate with my Friends and Countrymen, that have remain'd under any Doubts of Mind in this matter: Shake off (for a while at least) the Zeal for a Party or Set of Men, which you have by Custom, Conversation, or Dependance imbibed; review these Sheets over again sedately, and pardon what seems Repetition therein, it being necessary to set the Argument in the clearer Light.

And if you find your Conscience is convinc'd of the Solidity of the plain Reasons here laid down, consider why you should continue in the Interest of those, the Course of whose Methods must tend to the disturbance of an Establishment so rightfully and lawfully fix'd, as well as so necessary to the Safety and Welfare of your Country.

Consider likewise why these Men should with so much Labour endeavour to keep up their Populacy,

by

by propagating and imposing such inconsistent Nations of Right.

And if you turn your Thoughts to every Probability you can devise, you will find the only true Reason of all their Efforts to terminate in this, *viz.*

That being out of Favour for the Measures they have already taken, and finding it impracticable to introduce themselves under the present Administration, their only Prospect of advancing themselves must rest in the Hopes of another Revolution.

Now how improbable, vain, and desperate this Prospect is, will appear from the following Considerations.

Is it probable for a Person without Money, without Assistance, but of a few defeated Wretches of desperate Fortunes, who are rather a Burden than of any Assistance: is it probable for such a Person to disturb one of the most powerful Princes in *Europe*, whose Alliance is courted by all, and his Displeasure fear'd by the most Puissant?

Is it possible for a Prince so establish'd to be disturb'd by such a Person, but by the Assistance of some considerable foreign Power?

And should any foreign Power, for Views suited to their own Interest, give such Assistance, and by the help of the Disaffected here succeed therein; is it not highly vain to imagine, but that that foreign Power would take the opportunity to draw the Wealth and Power of this Nation to themselves; and thereby, as far as possibly they could, put it out of our power ever to shake off their Yoke? And under that Universal Slavery, how vain would it be for those who had promoted it, to expect better Quarter than their Neighbours? Did ever Conquerors of Nations make any distinction of the Partys of those Nations? or can it be practicable in the Nature of the thing that they should? No: they must universally oppress and rack the whole Nation, or the Conquest can't be safe.

I conclude therefore, either that our Party-Strife must be defeated, or if it succeeds, (which God in his Mercy forbid) it must end in the universal Slavery of all Partys. ~~is leading and governing THE~~

And can any rational Creature take much Pains and Labour to keep up a Party, which must be defeated, or he and all his Party utterly ruin'd?

Can any Person thus argue with himself; Tho I have no Obligation of Conscience thereto, but ~~that~~ lies on the other side, yet I will take all ways and means to promote an Interest, which unless I am prevented in bringing to any effect, I am utterly ruin'd both as to all Religious and Civil Rights, in my self and my Posterity.

If some Men do not argue thus, as it is hardly possible that any should, we must conclude they are moved to Action by a precipitate Zeal, for which they consider no Reason; but I hope those that can be brought to think, will soon shew by their Actions that they are not to be hurried on by the false Lights a few designing Men put on things, for the promoting of their vain Hopes, or the sake of gratifying their groundless Resentments.

I have now gone through my first six Days Work, in which I have consider'd the Notions of the Rights of Princes, &c. I may hereafter take into consideration such other Notions, which have been and are likewise set in a false Light, for the same reason as those relating to the Rights of Princes, &c.

But to this I shall give some Recess, expecting to see some Reflections on, and Answers to what I have in these Papers advanced.

West-Country,
Novemb. 5.
1716.

THE

THE Promoting the Disposal of these Sheets,
especially into the Countrys, is recommended
to all Lovers of the Constitution, that apprehend
they may be of Use toward the Reconciling any
mis-led Conscience to our present Happy Establish-
ment.

F I N I S.

